

5962-01-CA
Application No. 10/007,177

REMARKS

I. Status of the Application

This amendment responds to a Final Office Action (paper No. 6), which was mailed on March 19, 2003. The application, as originally filed, contained 24 claims. In an amendment filed on October 25, 2002, Applicants canceled claims 8 and 13-16, and amended claims 1, 5, 9, 10, 17, 19 and 23. This response cancels claims 1-7, 9-12, 22 and 24 without prejudice or disclaimer, and amends claims 17-21 and 23. Accordingly, claims 17-21 and 23 are under consideration in the present application. Applicant submits that entry of the amendment is proper because it raises no new issues requiring a further search of the prior art and it places the claims in condition for allowance. Applicant therefore respectfully requests reconsideration of the pending claims in view of the above amendment and the following remarks.

By action taken here, Applicant in no way intends to surrender any range of equivalents beyond that needed to patentably distinguish the claimed invention as a whole over the prior art. Applicant expressly reserves all such equivalents that may fall in the range between Applicant's literal claim recitations and combinations taught or suggested by the prior art.

II. Amendment of Claims 17-21 and 23

Applicant has amended independent claim 17 so that it no longer recites a "glassy" polymer. In addition, Applicant has amended claims 18-21 and 23, which depend on claim 17, to improve their readability. None of these changes introduce new matter.

III. Rejection of Claims 1, 9, 10 and 17 Under 35 U.S.C. § 112

The Final Office Action rejected claims 1, 9, 10 and 17 under 35 U.S.C. § 112, second paragraph. According to the Final Office Action, the "term 'glassy' in claims 1, 9, 10, and 17 is a relative term, which renders the claim indefinite." Applicant submits that "glassy" is not indefinite. However, to expedite prosecution of the application, Applicant

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has canceled claims 1, 9, and 10, and has deleted the term "glassy" from claim 17, thereby obviating the rejection.

IV. Rejection of Claims 1-7, 9-12 and 22 Under 35 U.S.C. § 103

The Final Office Action rejected claims 1-7, 9-12 and 22 under 35 U.S.C. § 103(a) as being anticipated by U.S. Patent No. 5,683,719 to Newton in view of U.S. Patent No. 4,572,833 to Pederson and U.S. Patent No. 5,648,387 to Bisgaier et al. Though Applicant disagrees with the rejection, as indicated above, Applicant has canceled claims 1-7, 9-12 and 22 thereby obviating this rejection. However, Applicant reserves the right to continue prosecution of the subject matter of the canceled claims by filing one or more continuations.

V. Status of Claim 24

It is unclear from the Final Office Action whether claim 24 stands rejected under 35 U.S.C. § 103(a). Although this paper canceled claim 24, Applicant respectfully requests that the Examiner clarify whether the Final Office Action rejected claim 24 under 35 U.S.C. § 103(a).

VI. Allowable Subject Matter in Claims 17-21 and 23

According to the Final Office action, claims 17-21 and 23 would be in condition for allowance absent the rejection under 35 U.S.C. § 112, second paragraph. Applicant thanks the Examiner for the indication of allowable subject matter, and as noted above, has rewritten claim 17 so that it does not recite a "glassy" polymer. Therefore, Applicant respectfully submits that claim 17, and claims 18-21 and 23, which depend on claim 17, are in condition for allowance.

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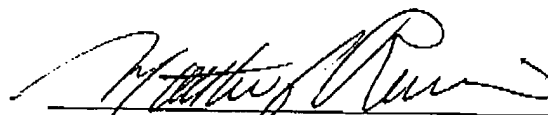
VII. Conclusion

In view of the foregoing, Applicant respectfully submits that all pending claims are patentable over the prior art of record. If the Examiner has any questions, Applicant requests that the Examiner telephone the undersigned.

Applicant believes that no fees are required to file the present amendment. However, if any fees are required in connection with the filing of this paper, please charge deposit account number 23-0455.

Respectfully submitted,

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Matthew J. Russo
Registration No. 41,282
Warner-Lambert Company LLC
2800 Plymouth Road
Ann Arbor, MI 48105
Tel: (734) 622-1747
Fax: (734) 622-1553
Customer No. 28880



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